

Michael T. Madaio, Esq.
Managing Partner
mmadaio@habbalaw.com
Admitted to practice in NJ, NY & PA

January 21, 2025

VIA ECF

Hon. Barbara C. Moses, U.S.D.M.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *Alston v. Centerpark Services LLC, et al.*
Civil Case No.: 24-CV-7393 (DEH) (BCM)

Dear Judge Moses:

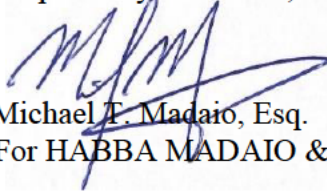
My office represents the defendants, Centerpark Services LLC, Centerpark Management LLC, and Centerpark, LLC (collectively "Defendants") in the above-referenced action. I write in response to the Court's Order dated January 16, 2025, *see* ECF 25, which instructed Defendants to "advise the Court in writing . . . whether [they] consent[] to the proposed amendment" to the Complaint filed by the plaintiffs, Fred Alston, as Trustee of the Local 272 Labor-Management Pension Fund and Fred Alston, as Trustee of the Local 272 Welfare Fund (collectively, "Plaintiffs").

Without prejudice to their right to move against the Amended Complaint pursuant to Fed. R. Civ. P. 12,¹ Defendants consent to Plaintiffs' proposed amendment to the Complaint. Since the presumed approval of Plaintiffs' request to amend will render Defendants' pending motion to dismiss moot, *see* ECF19, Defendants do not intend to file a reply brief unless otherwise instructed by this Court. The parties will confer and enter a revised briefing schedule with respect to Defendants' forthcoming motion to dismiss the Amended Complaint.

We thank the Court for its attention to this matter.

The Court accepts the document at Dkt. 23-3 as plaintiff's Amended Complaint. Defendants' motion to dismiss at Dkt. 19 is hereby deemed withdrawn. No later than **January 24, 2025**, the parties must file a revised briefing schedule with respect to defendants' forthcoming motion to dismiss the Amended Complaint. The Clerk of Court is respectfully directed to close the motion at Dkt. 19. SO ORDERED.

Respectfully submitted,



Michael T. Madaio, Esq.
For HABBA MADAIO & ASSOCIATES LLP



1/22/2025

Barbara Moses, U.S.M.J.

¹ Defendants do intend to file a motion to dismiss the Amended Complaint.